

Remarks:

Applicant has read and considered the Office Action dated November 13, 2008 and the references cited therein. Claims 1, 2, 4 and 11-13 have been amended. Claims 1-13 are currently pending. Reconsideration is hereby requested.

In the Action, claims 1-8, 10, 12 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kinoshita et al. The Action states that with regard to claim 1, Kinoshita discloses a first tubular element positioned within the interior of a process environment, the first tubular element having one end as a gas aspiration opening and defining an internal cavity. The Action also states that Kinoshita discloses a second tubular element extending within the cavity of the first tubular element with the first tubular being operable to inject the gaseous fluid into the interior cavity toward the aspiration opening and into the process environment. The Action further alleges that Kinoshita discloses aspiration means and take off means connected to the aspiration means for taking off a fraction of the gaseous fluid, the take off further connected to an analyzer means. The Action also states that Kinoshita discloses re-injection means and compressor means having an aspiration side and a delivery side. The Action also states that Kinoshita discloses a first tubular element fluidly connected to control valves and a second tubular element in fluid communication with the delivery side of the compressor. The Action states that Kinoshita also discloses a back washing condition.

Applicant asserts that claim 1 has been amended and that Kinoshita does not teach or suggest every limitation of claim 1. Applicant asserts that all of the limitations of claim 1 have not been considered. Moreover, claim 1 has been amended and clearly patentably distinguishes over Kinoshita et al. Claim 1 recites a compressor having an aspiration side and a delivery side, wherein the aspiration means and the re-injection means share the compressor. Applicant asserts that the advantage of sharing is not addressed in the Office Action. Applicant asserts that the prior art fails to teach or suggest that the aspiration means and the injection means share a compressor. The sharing of the compressor provides advantages for operation and efficiency that are not possible with the prior art. Claim 1 further clarifies that the first tubular element is in

fluid communication with a control valve, the control valve being selectively operable to fluidly connect said first tubular element with one of the aspiration side or said delivery side of the compressor. In addition, the second tubular element is in fluid communication with the delivery side of the compressor through a reservoir, the second tubular element being throttled in such a way to accelerate the gaseous fluid flowing through it and, at the same time, allowing an accumulation of the gaseous fluid upstream within said reservoir. Applicant asserts that this is neither shown nor suggested by Kinoshita or any other prior art. Finally, claim 1 recites that in an aspiration condition, the gaseous fluid is aspirated through the first tubular element and is partially re-injected through the second tubular element and partially accumulated by the reservoir, and in a back washing condition, the accumulated gaseous fluid is released by the reservoir through the first tubular element by selective activation of the control valve. Applicant asserts that this is neither shown nor suggested by Kinoshita or any other prior art or combination thereof. The sharing of the compressor and the use of the accumulated gaseous fluid allows for backwashing with the extracted gas. The first tubular element is selectively controllable to be in fluid communication with the aspiration side or the delivery side of the compressor so that sharing is possible.

The resulting system has advantages as the washing and cleaning of the probe can be used with the gas extracted for the measurement so that self cleaning occurs in a continuous cycle.

Conversely, Kinoshita requires external compressed air for back washing that pollutes the gas analysis. In the present application, the gas used for washing purposes is compressed by the same compressor used for extracting gas from the furnace. This is not possible with Kinoshita. In Kinoshita, the gas extraction of the furnace is sent to measurement device 87 and onward to device 79. During the washing operation, instrumentation air can be sent to valves from an instrumentation air manufacturing installation. Kinoshita does not use the same gas for the back washing operation, but uses air coming from another installation. Kinoshita cannot use the same compressor for aspiration and re-injection as is possible with the system of the present application. Kinoshita has two separate circuits, one for extraction of the gas from the furnace

and another for the washing operation in which air coming from another installation is used. Kinoshita therefore teaches away from the present application wherein the same circuit is used so that continued use of the same air is used.

In a similar manner, claim 12 has been amended and recites accumulating a portion of the gaseous fluid and performing a backwash with the accumulated gaseous fluid. Applicant asserts that the Kinoshita reference teaches away from such a method and that claim 12 is allowable for reasons similar to those discussed above with regard to claim 1. Moreover, Applicant asserts that claims 2-10 and 13 depending from claims 1 and 12 are also allowable for at least the same reasons as well as others.

Claim 11 was objected to, but would be allowable if rewritten in independent form. Applicant thanks the Examiner for the indication of allowable subject matter. Claim 11 has been rewritten in independent form and is believed to be in condition for allowance.

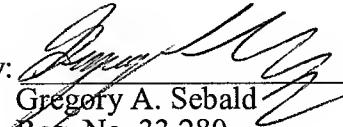
A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.



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Respectfully submitted,
MERCHANT & GOULD P.C.

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